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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,178	12/27/2000	Takuya Uchiyama	1614.1108	2991
21171 7590 05/14/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER LAO, LUN YI	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/748,178

Applicant(s)

UCHIYAMA, TAKUYA

Examiner

LUN-YI LAO

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,9-11,13-15,17-19,21-23,25-27,29-31,33-35,37-39 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-7,9-11,13-15,17-19,21-23,25-27,29-31,33-35 and 37-39 is/are allowed.
- 6) ☒ Claim(s) 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toshiaki(JP02-288913) in view of Platt(6,380,929).

Toshiaki teaches a writing device comprising a detector(3) for detecting a plurality of input signals from a writing instrument(1, stylus or pen); and switch(5) for switching between a relative coordinate value and an absolute coordinate mode based on the detected input signals and the detector(3) detects a coordinate value based on the switching(see figures 1, 3, 4 and abstract).

Toshiaki fails to disclose the absolute coordinate value mode inputting operation is enabled in the relative coordinate value mode based on a time during which the writing instrument is detached from a surface of an input unit.

Platt teaches a writing device comprising an absolute coordinate value mode(drawing mode) inputting operation is enabled in the relative coordinate value mode based(cursor mode)(an initial position of a written stroke in the window

corresponds to a final position during the relative mode(cursor mode)) on a time during which the writing instrument is detached from a surface of an input unit(the system enters a relative mode(cursor mode) after a selected time period occurs with no written strokes)(see figures 1-3; abstract; column 2, lines 46-68; column 3, lines 1-3; column 3, lines 37-38 and column 4, lines 1-21). It would have been obvious to have modified Toshiaki with the teaching of Platt, so the absolute mode and relative mode could be switched automatically.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaultier et al(6,034,672) in view of Platt(6,380,929).

Gaultier et al teach a writing device comprising a detector(1) for detecting a plurality of input signals from a pointer(finger); and switch(11, 12) for switching between a relative coordinate value and an absolute coordinate mode based on the detected input signals and the detector(1, 6) detects a coordinate value based on the

switching(see figures 3, 4; abstract; column 2, lines 60-68; column 3, lines 1-16 and lines 60-68; and column 4, lines 1-28).

Gaultier et al fail to a writing instrument and fail to disclose the absolute coordinate value mode inputting operation is enabled in the relative coordinate value mode based on a time during which the writing instrument is detached from a surface of an input unit.

Platt teaches a writing device comprising an absolute coordinate value mode(drawing mode) inputting operation is enabled in the relative coordinate value mode based(cursor mode)(an initial position of a written stroke in the window corresponds to a final position during the relative mode(cursor mode)) on a time during which the writing instrument is detached from a surface of an input unit(the system enters a relative mode(cursor mode) after a selected time period occurs with no written strokes)(see figures 1-3; abstract; column 2, lines 46-68; column 3, lines 1-3; column 3, lines 37-38 and column 4, lines 1-21). It would have been obvious to have modified Gaultier et al with the teaching of Platt, so the absolute mode and relative mode could be switched automatically and a user could enter data quickly into a computer system with the pen tool.

Allowable Subject Matter

5. Claims 1-3, 5-7, 9-11, 13-15, 17-19, 21-23, 25-27, 29-31, 33-35 and 37-39 are allowable.

Response to Arguments

6. Applicant's arguments filed on March 13, 2007 have been fully considered but they are not persuasive.

Applicants argue that Toshiaki does not teaches a switch capable of switching between a relative coordinate value mode and an absolute coordinate value mode inputting operation based on the detected input signals on page 14. The examiner disagrees with that since Toshiaki teaches a switch(5) for switching between a relative coordinate value mode and an absolute coordinate value mode inputting operation based on the detected input signals output from the detecting means(3)(see figures 1, 6 and abstract).

Applicants argue that Gaultier teach switch capable of switching between a relative coordinate value mode and an absolute coordinate value mode inputting operation based on the detected input signals, wherein the detector detects a coordinate value based on the switch on page 14. The examiner disagrees with that since Gaultier teaches a switch(11, 12) for switching between a relative coordinate value mode and an absolute coordinate value mode inputting operation based on the detected input signals output from the detecting means(1,6) and the detector(1, 6) detects a coordinate value based on the switch(11, 12)(see figures 3, 4; abstract; column 2, lines 60-68; column 3, lines 1-16 and lines 60-68; and column 4, lines 1-28).

Applicants argue that Gaultier does not teach the absolute coordinate value mode inputting operation is enabled in the relative coordinate value mode based on a

time during which the writing instrument is detached from a surface of an input unit on page 15. However, Platt teaches such features(see the discussion of Platt above).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

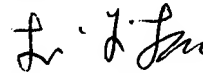
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi Lao whose telephone number is 571-272-7671. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 8, 2007



Lun-yi Lao

Primary Examiner